

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ed VanDyne et al.

Application No. 10/576,989

Filing Date: April 21, 2006

PCT No. PCT/US2004/035651

International Filing Date: October 27, 2004

Priority Date: October 31, 2003

For: METHOD AND APPARATUS FOR CONTROLLING EXHAUST GAS
 RECIRCULATION AND START OF COMBUSTION RECIPROCATING
 COMPRESSION IGNITION ENGINES WITH AN IGNITION SYSTEM
 WITH IONIZATION MEASUREMENT

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

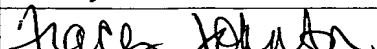
Dear Sir

Applicant(s) hereby respond(s) to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 17, 2006.

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

| CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8 | | | |
|--|---|------|-------------------|
| I hereby certify that this Response and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number [703] 872-9306. | | | |
| Name (Print/Type) | Tracey Johnson | | |
| Signature |  | Date | December 14, 2006 |

2. Documents Submitted Herewith

- a. ☒ Executed Declaration of inventor(s)
- b. ☐ Nucleotide and/or Amino Acid Sequence Submission:
 - i. ☐ Computer Readable Form (CRF)
 - ii. Specification Sequence Listing on:
 - (1) ☐ CD-ROM or CD-R (2 copies); or
 - (2) ☐ Paper Copy
 - iii. ☐ Statement verifying identity of above copies
- c. ☐ Verified English translation of application
- d. ☒ Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- e. ☐ Substitute Drawings
- f. ☐ Other:

3. Application Filing Fee

- a. ☒ No application filing fee due
- b. ☐ Application filing fee due in amount calculated below:

| | | | | |
|--|--------------|--------------|------------|------------|
| BASIC FEE (\$300 FILING FEE + \$200 EXAMINATION FEE + \$500 SEARCH FEE) | | | | \$1,000.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
| Total Claims | -20= | | x \$50.00 | \$ |
| Independent Claims | - 3= | | x \$200.00 | \$ |
| <input type="checkbox"/> Multiple Dependent Claim(s) if applicable | | | +\$360.00 | \$ |
| <input type="checkbox"/> Application Size Fee (\$250 for each additional 50 sheets over 100) | | | | \$ |
| Total of above calculations = | | | | \$ |
| Reduction by 50% for filing by small entity = | | | | \$() |
| Fee Already Paid = | | | | \$ |
| Fee Due = | | | | \$ |

4. Late Filing of Oath or Declaration Surcharge

Pursuant to 37 CFR 1.492(h), the surcharge for filing this Response is for
☒ other than a small entity or ☐ a small entity.

Fee Due \$130.00

5. Non-English Specification Surcharge

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

12/21/2006 GFREY1 00000063 503505 10576989

Fee Due \$ 0.00

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6. **Extension of Time**

- ☐ Applicant(s) petition(s) for a one-month extension of time under 37 CFR 1.136, the fee for which is \$120.00.
- ☐ Applicant(s) believe(s) that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$

7. **Total Fee Due**

The total fee due is:

| | |
|--------------------------------------|----------|
| Application Filing Fee | |
| Late Filing of Declaration Surcharge | \$130.00 |
| Non-English Specification Surcharge | \$ 0.00 |
| Extension of Time Fee | \$ 0.00 |

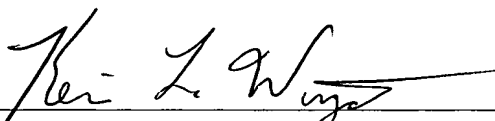
Total Fee Due: \$130.00

8. **Fee Payment**

- ☐ Attached is a check in the sum of \$
- ☒ Charge Account No. 50-3505 the sum of \$130.00. A duplicate of this transmittal is attached.

9. **Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 50-3505. A duplicate of this transmittal is attached.



Kevin L. Wingate, Reg. No. 38662
Reinhart Boerner Van Deuren P.C.
2215 Perrygreen Way
Rockford, Illinois 61107
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(815) 654-5770 (facsimile)

Date: December 14, 2006



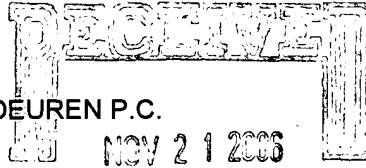
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/576,989 | Ed VanDyne | 502972-PCT-US-A |

53609

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 JLM AM KLV LEC DWO WND
 JED SYP TMB JIC MAG DP
 ACL NIK TRJ VEL

INTERNATIONAL APPLICATION NO.

PCT/US04/35651

I.A. FILING DATE

10/27/2004

PRIORITY DATE

10/31/2003

CONFIRMATION NO. 4753

371 FORMALITIES LETTER



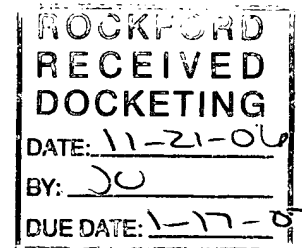
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Date Mailed: 11/17/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/21/2006
- Copy of the International Search Report filed on 04/21/2006
- Copy of IPE Report filed on 04/21/2006
- Preliminary Amendments filed on 04/21/2006
- U.S. Basic National Fees filed on 04/21/2006
- Priority Documents filed on 04/21/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/576,989 | PCT/US04/35651 | 502972-PCT-US-A |